

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA f/u/o )  
KERRI ENTERPRISES, the ALLSTATE )  
COMPANY, INC. )  
Plaintiff, )  
v. ) CIVIL ACTION NO. 05-CV-11339-NMG  
UNITED STATES FIDELITY & )  
GUARANTY COMPANY )  
Defendant )  
\_\_\_\_\_  
)

**STATEMENT OF CONFERRING PURSUANT TO LOCAL RULE 16.1 (D)(3)**

This statement certifies that Attorney James G. Grillo, counsel for Defendant, United States Fidelity & Guaranty Company, and Mr. Tom S. Groseclose, authorized representative for the Defendant, have conferred pursuant to Local Rule 16.1 (D)(3):

- (a) with a view to establishing a budget for the costs of conducting the full course and various alternative courses of the litigation; and
- (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

UNITED STATES FIDELITY &  
GUARANTY COMPANY  
By its Attorneys,

s/ James G. Grillo  
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s/ Tom S. Groseclose  
Tom S. Groseclose, Claim Manager  
United States Fidelity & Guaranty Company